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State of California



Fair Political Practices Commission

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(916) 322-5660

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Conflict of Interest
322-6444

January 4, 1978

A-78-150

Forest Greber
Deputy County Counsel
County of Kern
1415 Truxtun Avenue
Bakersfield, CA 93301

Re: Opinion Request No. 77-042

Dear Mr. Greber:

This is in response to your letter to the Commission dated October 26, 1977, requesting the Commission to issue an opinion concerning the necessity of development and promulgation of Conflict of Interest Codes for the Kern County Emergency Medical Care Committee and the Kern County Committee on School District Organization. The Commission will not issue a formal opinion in this matter because no substantial question of interpretation of the Political Reform Act is raised. I trust, however, the following informal advice will enable you to resolve the matter.

As code reviewing body, the Board of Supervisors of Kern County has the responsibility and authority for reviewing Conflict of Interest Codes developed by county agencies. However, as you indicate in your letter, Government Code Section 82019(c)^{1/}, read in conjunction with 2 Cal. Adm. Code Section 18700(a)(1), dictates a conclusion that only those agencies with "decision-making authority" be required to develop and promulgate Conflict of Interest Codes.

The staff has reviewed the statutes in question and agrees with your tentative conclusion that, as currently structured, the boards or commissions in question do not appear "decision-making" within the meaning of 18700(a)(1).

^{1/} All statutory references herein are to the Government Code unless otherwise noted.

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In the case of school district reorganization committees, this conclusion is buttressed by the fact that certain designated employees in the State Department of Education, and the members of the State Board of Education, are required to disclose their interests in real property throughout the state which they know or have reason to know are located within an area subject to school district reorganization. This was required because those persons at the State level hold ultimate decision-making authority concerning such reorganizations.

With respect to the Emergency Medical Care Committee, it appears that it has no "decision-making authority" in its functions as they relate to areawide health planning agencies,^{2/} the Advisory Health Council, the Department of Health or the Board of Supervisors and, therefore, should not be required to develop a conflict of interest code.

Absent changed circumstances or additional information, we believe that the agencies in question need not be required to develop Conflict of Interest Codes by the Board of Supervisors at this time. If you have any further questions concerning this or any matter, please feel free to call on Ken Goshorn of the Conflicts of Interest Division at (916) 322-6444.

Sincerely,

Robert M. Bennett

Michael Bennett
Executive Director

MB:KWG:jo

^{2/} We have not, at this time, required areawide comprehensive health planning agencies to develop Conflict of Interest Codes. This decision was made because those agencies have performed an advisory function. At this time, because of legislative changes in the enabling acts for areawide comprehensive health planning agencies, we are reviewing our approach to these agencies. However, none of those legislative changes affect the relationship of emergency medical care committees to the areawide health planning agencies.